

June 2, 2009

California Energy Commission  
Docket Unit  
1516 Ninth Street  
Sacramento, CA 95814-5512

**DOCKET**

**08-AFC-10**

DATE June 02 2009

RECD. June 02 2009

**Subject: LODI ENERGY CENTER JUNE STATUS REPORT**

Enclosed for filing with the California Energy Commission is the original copy of **LODI ENERGY CENTER JUNE STATUS REPORT**, for the Lodi Energy Center (08-AFC-10).

Sincerely,



Robert Gladden  
Counsel to NCPA

Scott A. Galati  
Robert Gladden  
GALATIBLEK, LLP  
455 Capitol Mall  
Suite 350  
Sacramento, CA 95814  
(916) 441-6575

STATE OF CALIFORNIA

Energy Resources  
Conservation and Development Commission

In the Matter of:

Application for Certification for the Lodi  
Energy Center

**DOCKET NO. 08-AFC-10**

**LODI ENERGY CENTER JUNE  
STATUS REPORT**

---

The Northern California Power Agency (NCPA) submits this June Status Report to update the Committee on the progress related to the processing of its Lodi Energy Center Application for Certification.

NCPA has submitted all relevant responses to the Data Requests issued by the CEC staff and has continued to work towards an expeditious progression through the certification process. We continue to expect that the Preliminary Staff Assessment will be docketed by the CEC Staff on or before June 24, 2009.

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT**

On April 15, 2009, the San Joaquin Valley Air Pollution District issued its Preliminary Determination of Compliance (PDOC) setting forth the scientific basis of why the LEC project is in compliance with Air District standards.

Aside from the Applicant's comments and CEC staff comments to the Air District requesting clarification on the BACT determination for CO and collateral matters to be addressed in the Final Determination of Compliance, only one other comment was submitted.

**CULTURAL RESOURCES**

An Objection was filed by NCPA on April 15, 2009, to the Data Request 13 Supplement (related to a request for geo-archeology studies). CEC staff did not file a motion to compel, but NCPA and its consultants have been making every effort to cooperate and address the concerns of CEC staff, including a conference call and review of collateral

documentation (a Caltrans report). All of these efforts together do not change the opposition of NCPA to the request, but in fact, strengthen the position after review of the Caltrans report which concludes low probability for potential finds in this region. Nevertheless, NCPA is not opposed to finding common ground on the requests by CEC staff and look forward to completely resolving this issue well before the Final Staff Assessment is issued for the project.

#### **VARIANCE FOR SAN JOAQUIN MULTI-SPECIES HABITAT CONSERVATION (HCP)**

NCPA, along with the CEC staff Biologist, are actively working with the San Joaquin Council of Governments (SJCOG) to discuss the particulars of obtaining an on-site variance to allow work to occur within the typical setback. This process should take approximately four-six weeks once NCPA files the request with SJCOG, which is anticipated by early June. There does not appear to be any impediment to the PSA preparation and publication.

#### **SCHEDULE**

NCPA believes that Staff has all of the information necessary to complete its PSA on or before June 24, 2009.

Dated: June 2, 2009



---

Robert Gladden  
Counsel to NCPA



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – [WWW.ENERGY.CA.GOV](http://WWW.ENERGY.CA.GOV)**

**APPLICATION FOR CERTIFICATION  
FOR THE *Lodi Energy Center***

**DOCKET No. 08-AFC-10**

**PROOF OF SERVICE  
(Revised 2/17/09)**

**APPLICANT**

Ken Speer  
Assistant General Manager  
Northern California  
Power Agency  
651 Commerce Drive  
Roseville, CA 95678  
[ken.speer@ncpagen.com](mailto:ken.speer@ncpagen.com)

Ed Warner  
Project Manager  
Northern California  
Power Agency  
P.O. Box 1478  
Lodi, CA 95241  
[ed.warner@ncpagen.com](mailto:ed.warner@ncpagen.com)

**APPLICANT'S COUNSEL**

Scott Galati  
Galati Blek  
455 Capitol Avenue, Ste. 350  
Sacramento, CA 95814  
[sgalati@gb-llp.com](mailto:sgalati@gb-llp.com)

**APPLICANT'S CONSULTANT**

Andrea Grenier  
Grenier & Associates, Inc.  
1420 E. Roseville Pkwy,  
Ste. 140-377  
Roseville, CA 95661  
[andrea@agrenier.com](mailto:andrea@agrenier.com)

Sarah Madams  
CH2MHILL  
2485 Natomas Park Drive,  
Ste. 600  
Sacramento, CA 95833  
[smadams@ch2m.com](mailto:smadams@ch2m.com)

**APPLICANT'S ENGINEER**

Steven Blue  
Project Manager  
Worley Parsons  
2330 E. Bidwell, Ste. 150  
Folsom, CA 95630  
[Steven.Blue@WorleyParsons.com](mailto:Steven.Blue@WorleyParsons.com)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

**ENERGY COMMISSION**

Karen Douglas  
Chairman and Presiding  
Member  
[kdougl@energy.state.ca.us](mailto:kdougl@energy.state.ca.us)

Jeffrey D. Byron  
Commissioner and Associate  
Member  
[jbyron@energy.state.ca.us](mailto:jbyron@energy.state.ca.us)

Kenneth Celli  
Hearing Officer  
[kcelli@energy.state.ca.us](mailto:kcelli@energy.state.ca.us)

Rod Jones  
Project Manager  
[rjones@energy.state.ca.us](mailto:rjones@energy.state.ca.us)

Melanie Moultry  
Staff Counsel  
[MMoultry@energy.state.ca.us](mailto:MMoultry@energy.state.ca.us)

Elena Miller  
Public Adviser  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

**DECLARATION OF SERVICE**

I, Ashley Y Garner, declare that on June 2, 2009, I served and filed copies of the attached **LODI ENERGY CENTER JUNE STATUS REPORT** dated **June 2, 2009**. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: **[www.energy.ca.gov/sitingcases/lodi]**. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

**(Check all that Apply)**

**FOR SERVICE TO ALL OTHER PARTIES:**

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

**AND**

**FOR FILING WITH THE ENERGY COMMISSION:**

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (**preferred method**);

**OR**

depositing in the mail an original and 12 paper copies, as follows:

**CALIFORNIA ENERGY COMMISSION**  
Attn: Docket No. **08-AFC-10**  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
**docket@energy.state.ca.us**

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Ashley Y. Garner